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IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: FURITSU, Hisao et al. Conf.: 7747
Appl. No.: 09/806,823 Group: 1615
Filed: April 5, 2001 Examiner: Spear, J.
For: INTRAORAL QUICKLY DISINTEGRATING TABLETS

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, DC 20231

October 10, 2002

Sir:

In Response to the Restriction Requirement dated September 10, 2002, the following remarks are respectfully submitted.

Applicants elect Group I, claims 1-4 and 13-17 with traverse.

Applicants respectfully submit that the Examiner has not established that there is an undue burden in searching for all claims as required by MPEP § 803. The Examiner indicates that two groups of claims must be searched, however, the Examiner does not state or imply that searching two groups will create an undue burden for the Examiner. Therefore, Applicants can only assume that an undue burden for searching does not exist, especially when both groups of claims are classified within the same class, i.e. class 424.

Furthermore, the Examiner has not established that there is a lack of unity of invention as required by 37 C.F.R. § 1.475 for PCT applications. As noted in MPEP 1893.03(d), in order to establish lack of unity of invention, the Examiner must (1) list

the different groups of claims and (2) explain why each group lacks unity with each other group (i.e. why there is no single general inventive concept) **specifically describing the unique special technical feature** in each group [*emphasis added*]." U.S. Pat. & Trademark Off., *Manual Pat. Examining Proc.* § 1893.03(d) (8th ed. 2001). In the instant case, the Examiner has failed to specifically describe the special technical feature of each group of claims and further has failed to explain why each group of claims lacks unity with every other group.

For these reasons, the Restriction Requirement is technically deficient and should be withdrawn. Reconsideration of the claims and withdrawal of the instant Restriction Requirement are respectfully requested.

If the Examiner has any questions concerning this application, the Examiner is requested to contact Kristi L. Rupert, Ph.D. (Reg. No. 45,702) at (703) 205-8000.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional

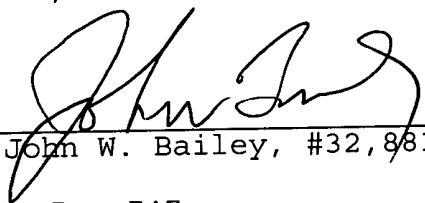
Docket No. 0425-0832P
Application Number 09/806,823

fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17;
particularly, extension of time fees.


Respectfully submitted,

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By


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